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FILED
DISTRICT COURT OF GUAM

JAN 23 2007 *M.L.M.*

DISTRICT COURT OF GUAM MARY L.M. MORAN
TERRITORY OF GUAM CLERK OF COURT

JULIE BABAUTA SANTOS, *et. al.*,

Petitioners,

-v-

FELIX P. CAMACHO, *et. al.*

Respondents.

Civil Case No. 04-00006

GJTS
[PROPOSED] SCHEDULING ORDER
REGARDING CLASS NOTICE,
SETTLEMENT, AND FAIRNESS
HEARING

Civil Case No. 04-00038

CHARMAINE R. TORRES, *et al.*,

Plaintiffs,

-v-

GOVERNMENT OF GUAM, *et al.*,

Defendants.

Civil Case No. 04-00049

MARY GRACE SIMPAO, *et al.*,

Plaintiffs,

-v-

GOVERNMENT OF GUAM,

Defendant.

-v-

FELIX P. CAMACHO, Governor of Guam,

Intervenor-Defendant.

{G0018733.DOC;1}

ORIGINAL

1 Pursuant to the Court's Order of January 9, 2007 (Docket No. 384) and the Settlement
2 Agreement entered into by the *Santos* and *Torres* parties as filed with the Court on January 8,
3 2007 (Docket No. 383) (the "Settlement Agreement"), the following schedule is hereby adopted:¹

4 (1) **Class notice:**

5 (a) Pursuant to Settlement Agreement § III(b), publication of the class notice shall
6 commence on Sunday, February 11, 2007.

7 (b) Publication shall be completed on or before Friday, March 9, 2007.

8 (c) Pursuant to Settlement Agreement § III(c)(v), DRT shall complete the mailing of the
9 class notice on or before Friday, March 9, 2007.

10 (d) Pursuant to the Court's January 9, 2007 Order, the *Santos* and *Torres* parties shall
11 submit the class notice for the approval of the Court within two days of the date of issuance of
12 this scheduling Order.

13 (e) Pursuant to Settlement Agreement § III(d), the completion of the "Class Notice
14 Period" as defined in Section III(d) of the Settlement Agreement shall be Friday, March 9, 2007.

15 (2) **Claims:**

16 (a) Pursuant to Settlement Agreement § VI(c), EIC claims for tax years 1995, 1996, 1999,
17 2000, 2001, 2002, 2003, and 2004 must be either be: (i) filed with the Guam Department of
18 Revenue & Taxation ("DRT") no later than Tuesday, May 8, 2007; (ii) mailed to DRT by first
19 class mail that is postmarked no later than Tuesday, May 8, 2007. No new EIC claims for tax
20 year 1997 or 1998 shall be accepted.

21 (b) To be eligible to receive the EIC under the Settlement Agreement, a claimant must
22 have a tax return on file with DRT. EIC Class members must file new or amended tax returns for
23 tax year 2004 on or before Tuesday, May 8, 2007. To address the jurisdictional issue discussed in
24 the Court's January 9, 2007 Order, EIC Class members must file any new or amended tax returns
25 for tax year 2003 on or before Monday, April 16, 2007. No new or amended tax returns shall be
26 accepted for tax years 1995 through 2002.

27
28 ¹ This Order hereby supersedes the January 18, 2007 Scheduling Order issued by this
Court.

1 **(3) Opt-Outs:**

2 (a) Pursuant to Settlement Agreement § II(b)(i), any person wishing to request exclusion
3 from the EIC Class and the Settlement Agreement shall be required to do so in a signed, written
4 statement that may be mailed by first class mail to the Clerk of Court or filed with the Clerk of
5 Court. Any person who falls within the definition of the EIC Class shall be deemed an EIC Class
6 member unless their written statement either: (i) is filed with the Clerk of Court no later than
7 May 8, 2007; or (ii) is sent by first class mail to the Clerk of Court postmarked no later than May
8, 2007.

9 (b) The final date for requesting exclusion shall be known as the “Opt-Out Date” as
10 defined in Settlement Agreement § II(b)(i).

11 **(4) Intervention:**

12 Pursuant to Settlement Agreement § II(c)(i), any motions to intervene shall be filed and
13 served on or before May 15, 2007.

14 **(5) Final Approval, Certification, Objections, Attorneys' Fees, and Fairness Hearing:**

15 (a) Pursuant to Settlement Agreement § II(c)(ii), the joint motion for an order of final
16 approval of the Settlement Agreement and for a final judgment, and the accompanying proposed
17 final judgment, shall be filed and served on or before Friday, June 8, 2007.

18 (b) Pursuant to Settlement Agreement § II(c)(iii), the motion for final certification of the
19 EIC Class shall be filed and served on or before Friday, June 8, 2007.

20 (c) Pursuant to Settlement Agreement § II(c)(iv), counsel for *Santos* and *Torres* may file
21 and serve any supplement to their motion for attorneys' fees and costs on or before Friday, June
22 8, 2007. Any objections or opposition to the attorneys' fees motion shall be filed and served on
23 or before Friday, June 22, 2007. Any reply shall be filed and served on or before Friday, June 29,
24 2007.

25 (d) Pursuant to Settlement Agreement § II(c)(v), any EIC Class member may object to the
26 proposed settlement, or comment in favor of the settlement. Pursuant to Settlement Agreement §
27 II(c)(vi), any EIC Class member objecting to the Settlement Agreement, or any EIC Class
28 member or party objecting to attorneys' fees, or their counsel, shall be heard so long as they have

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1 filed and served a written statement of their objection or objections on or before Friday, June 22,
2 2007. Any written responses shall be filed and served on or before Friday, June 29, 2007.

3 (e) Pursuant to Settlement Agreement § II(c)(i), the Court shall hold a hearing on Friday,
4 July 6, 2007 at 10 a.m. to: (1) determine whether to grant final class certification; (2) review
5 comments or objections regarding this Settlement Agreement, and consider its fairness,
6 reasonableness, and adequacy under FRCP Rule 23; (3) determine whether to grant any motion(s)
7 for attorneys' fees and costs; and (4) decide whether to grant final Court approval of this
8 Settlement Agreement and enter a final judgment (the "Fairness Hearing").

9 **(6) Claims Processing and Reports:**

10 (a) Pursuant to Settlement Agreement § VI(e)(vi)(1)(A), the date for the completion of the
11 processing of claims for tax years 1997 and 1998 shall be Monday, April 2, 2007.

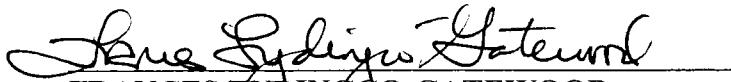
12 (b) Pursuant to Settlement Agreement § VI(e)(i), the payment of tax years 1997, and the
13 partial payment of tax year 1998, shall commence once all claims for each respective year are
14 processed.

15 (c) Pursuant to Settlement Agreement § VI(e)(vi)(1)(B), the date for the completion of the
16 processing of claims for tax years 1995, 1996, 1999, 2000, and 2001 shall be Monday, July 9,
17 2007.

18 (d) Pursuant to Settlement Agreement § VI(e)(vi)(1)(C), the date for the completion of
19 the processing of claims for tax years 2002, 2003, and 2004 is Wednesday, September 5, 2007.

20 (e) Pursuant to Settlement Agreement § V(b)(ii), beginning with the report covering the
21 month of January 2007 that is due in February 2007, the Department of Administration shall on
22 the tenth business day of each month file with the Court, and serve upon *Santos* and *Torres*
23 parties, a report covering the preceding month and documenting all deposits and payments of tax
24 refund monies in accordance with Settlement Agreement § V(b)(ii).

25 SO ORDERED this 23rd day of January, 2007.

26 
27 **FRANCES TYDINGCO-GATEWOOD**
28 Chief Judge, District Court of Guam

CIVIL CASE NO. 04-00006

(Consolidated with Civil Case Nos. 04-00038 and 04-00049)

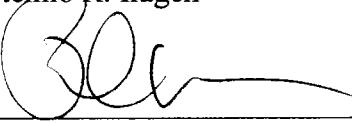
Case 1:04-cv-00006 Document 389 Filed 01/23/2007 Page 4 of 5

1 Submitted by:

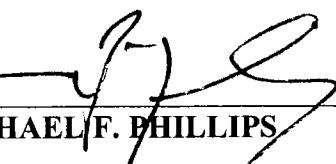
2 **OFFICE OF THE GOVERNOR OF GUAM**
3 **CALVO & CLARK, LLP**
4 Attorneys for Respondent Felix P. Camacho,
Governor of Guam

5 By: 
6 **DANIEL M. BENJAMIN**

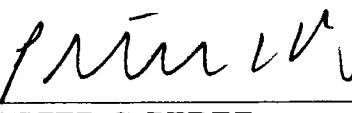
7 **CABOT MANTANONA LLP**
8 Attorneys for Respondents Lourdes M. Perez
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9 By: 
10 **RAWLEN M.T. MANTANONA**

11 **PHILLIPS & BORDALLO, P.C.**
12 Interim Class Counsel & Attorneys for
13 Petitioner Julie Babauta Santos

14 By: 
15 **MICHAEL F. PHILLIPS**

16 **LUJAN AGUIGUI & PEREZ LLP**
17 Attorneys for Plaintiff Charmaine R. Torres

18 By: 
19 **PETER C. PEREZ**

20 **RECEIVED**
21 JAN 23 2007
22

23 **DISTRICT COURT OF GUAM**
24 **HAGATNA, GUAM**

25 **CIVIL CASE NO. 04-00006**

26 *(Consolidated with Civil Case Nos. 04-00038 and 04-00049)*

27 **Case 1:04-cv-00006 Document 389 Filed 01/23/2007 Page 5 of 5**